

1 THE HONORABLE RICARDO MARTINEZ
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9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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14 KENNETH FLEMING, JOHN DOE, R.K., and T.D.,
15 Plaintiffs,
16 v.
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18 THE CORPORATION OF THE PRESIDENT OF
19 THE CHURCH OF JESUS CHRIST OF LATTER-
20 DAY SAINTS, a Utah corporation sole, a/d/a
21 "MORMON CHURCH"; LDS SOCIAL SERVICES
22 a/d/a LDA FAMILY SERVICES, a Utah corporation,
23 Defendants.

24 NO. C04-2338 RSM
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26

MOTION FOR DISCHARGE OF
LITIGATION GUARDIAN AD LITEM

NOTE ON MOTION CALENDAR:
FRIDAY, JULY 7, 2006

I. STATEMENT OF RELEVANT FACTS

This Court appointed attorney Andrew Benjamin as the Litigation Guardian ad Litem on May 3, 2006. *See Order.* Pursuant to this Court's Order, Mr. Benjamin, as the Litigation Guardian ad Litem, was to file a report within 21 days of appointment, expressing opinions as to whether guardianship proceedings should be commenced in Superior Court of Washington to manage the settlement funds of this litigation for plaintiff John Doe. *Id.* Mr. Benjamin's report was filed within 21 days of his appointment, with a recommendation that a trust be established for management of the settlement funds of this litigation in lieu of commencing guardianship proceedings in Superior Court of Washington. *See Report.* Pursuant to that recommendation, such trust was established. *See Declaration of Michael T. Pfau in Support of Motion for Discharge of Litigation Guardian ad Litem ("Pfau Decl."), Ex. 1.* Mr.

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1 Benjamin assisted in the drafting of the trust and met with John Doe to make sure that he
 2 understood and agreed to the trust and to supervise the execution thereof. *See Supplemental*
 3 *Report of Litigation Guardian Ad Litem.*

4 **II. LEGAL ARGUMENT**

5 As the trust has now been established and the Litigation Guardian ad Litem has
 6 fulfilled his duties as ordered by this Court, Andrew Benjamin may now be discharged as the
 7 Litigation Guardian ad Litem for John Doe in the above referenced matter. John Doe asks
 8 that Mr. Benjamin be discharged as Litigation Guardian ad Litem and that this Court approve
 9 the payment of his fees as costs in this matter. *See Fee Declaration of Litigation Guardian ad*
 10 *Litem.*

11
 12 **III. CONCLUSION**

13 For all of the reasons discussed above, Andrew Benjamin should be discharged as the
 14 Litigation Guardian ad Litem and payment of his fees as costs in this matter should be
 15 approved.

16
 17 RESPECTFULLY SUBMITTED this _____ day of _____, 2006.

18 GORDON, THOMAS, HONEYWELL,
 19 MALANCA, PETERSON & DAHEIM LLP

LAW OFFICES OF TIMOTHY D. KOSNOFF

20 By /s/ Michael T. Pfau
 21 Michael T. Pfau, WSBA No. 24649
mpfau@gth-law.com
 22 Co-Counsel for Plaintiffs

By /s/ Timothy D. Kosnoff
 Timothy D. Kosnoff, WSBA No. 16586
timkosnoff@comcast.net
 Co-Counsel for Plaintiffs

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 26 MOT. FOR DISCHARGE OF OF LITIGATION GUARDIAN AD LITEM- 2
 (C04-2338 RSM)
 161711

LAW OFFICES
 GORDON, THOMAS, HONEYWELL, MALANCA,
 PETERSON & DAHEIM LLP
 ONE UNION SQUARE
 600 UNIVERSITY, SUITE 2100
 SEATTLE, WASHINGTON 98101-4185
 (206) 676-7500 - FACSIMILE (206) 676-7575

1 CERTIFICATE OF ELECTRONIC FILING

2 I hereby certify that on June 22, 2006, I electronically filed the foregoing **MOTION**
3 **FOR APPOINTMENT OF LITIGATION GUARDIAN AD LITEM** with the Clerk of the
4 Court using the CM/ECF system which will send notification of such filing to the following:

5
6 Thomas D. Frey and
7 Marcus Nash
8 STAFFORD FREY COOPER
9 601 Union Street, Suite 3100
10 Seattle, WA 98101-1374

11 DATED this 22nd day of June, 2006.

12 /s/ Vicki Burrows
13 Assistant to Michael T. Pfau,

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MOT. FOR APPTMNT. OF LITIGATION GUARDIAN AD LITEM- 3
(C04-2338 RSM)
161711

LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575